

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

CHARLOTTE CHARLES, *et al.*,

Plaintiffs,

v.

ANNE SACOOLAS, *et al.*,

Defendants.

Civil Case No. 1:20-cv-1052

UNDER SEAL

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF THEIR MOTION TO FILE
UNDER SEAL THE PROPOSED ORDER TO DISBURSE FUNDS, THE MEMO
ACCOMPANYING PROPOSED ORDER TO DISBURSE FUNDS TO PLAINTIFFS,
AND THE MEMO IN SUPPORT OF THE MOTION TO SEAL**

For the reasons that follow, and pursuant to Local Civil Rule 5(c), Plaintiffs respectfully move this Court for an Order sealing (1) Plaintiffs' Proposed Order to Disburse Funds; (2) the Memo Accompanying Proposed Order to Disburse Funds to Plaintiffs ("Accompanying Memo"); and (3) this Memorandum in Support of the Motion to Seal.

1. On September 15, 2021, the parties settled the claims in this case. The settlement agreement provides that the terms of the settlement, including the amount of the settlement, are to be kept [REDACTED].

2. On January 12, 2022, the Court held a hearing on various motions. As a result of that hearing, and the Court's invitation to file a proposed order with instructions on the disbursement of funds, Plaintiffs are filing a proposed order with instructions on how the Clerk of the Court should disburse undisputed funds, and an accompanying memorandum.

3. The Proposed Order, Accompanying Memo, and this Memorandum discuss the terms of the settlement agreement, including the amount of the undisputed portion of the settlement

agreement. By agreement of the parties, this information is to be kept [REDACTED] Public disclosure of the [REDACTED] information in the Proposed Order, the Accompanying Memo, and this Memorandum would violate the express terms of the settlement agreement.

4. The parties' interests in keeping the terms of their private settlement [REDACTED] outweigh the public's right of access to these filings. The Court "has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) (quoting *In re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984)).

5. Furthermore, the three requirements for sealing set forth in *Ashcraft* have been met here. "[B]efore a district court may seal any court documents, it must (1) give public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000).

6. First, public notice has been satisfied by the filing of this unsealed Motion to Seal and the LCvR 5(c) Notice of Filing of a Motion to Seal.

7. Second, redaction would not be a reasonable alternative because the focus of the Memorandum and Proposed Order is a [REDACTED] term of the settlement.

8. Finally, this Motion sets forth the specific reasons and facts supporting Plaintiffs' request to seal the documents. The Proposed Order, Accompanying Memo, and this Memorandum reveal terms of the parties' private [REDACTED] settlement agreement, which requires that the terms of the settlement agreement be kept [REDACTED]

For all of these reasons, Plaintiffs respectfully request that the Court file under seal the Plaintiffs' Proposed Order, the Accompanying Memo, and this Memorandum.

Respectfully submitted,

By: /s/ Jay Rohit Nanavati
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the ECF system, which notified counsel of record of the filing via electronic mail.

/s/ Jay Rohit Nanavati
Jay Rohit Nanavati